

AMENDED IN SENATE APRIL 8, 2008

AMENDED IN SENATE MARCH 24, 2008

**SENATE BILL**

**No. 1191**

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**Introduced by Senator Alquist**  
(Principal coauthor: Assembly Member Berg)

February 12, 2008

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An act to amend Section 61100 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 1191, as amended, Alquist. Local government: community service districts: broadband access.

Existing law authorizes a community services district to be formed to, among other things, provide fire protection services, organize, promote, conduct, and advertise programs of community recreation, provide transportation services, abate graffiti, and construct, maintain, and operate mailboxes.

This bill would authorize a community services district to construct, own, improve, maintain, and operate broadband facilities and to provide broadband services, under specified circumstances, until a private person or entity is ready, willing, and able to acquire, construct, improve, maintain, and operate broadband facilities and to provide broadband services, and to sell those services at a comparable cost and quality of service to the district and its property owners, residents, and visitors.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 61100 of the Government Code is amended to read:

61100. Within its boundaries, a district may do any of the following:

(a) Supply water for any beneficial uses, in the same manner as a municipal water district, formed pursuant to the Municipal Water District Law of 1911, Division 20 (commencing with Section 71000) of the Water Code. In the case of any conflict between that division and this division, the provisions of this division shall prevail.

(b) Collect, treat, or dispose of sewage, wastewater, recycled water, and storm water, in the same manner as a sanitary district, formed pursuant to the Sanitary District Act of 1923, Division 6 (commencing with Section 6400) of the Health and Safety Code. In the case of any conflict between that division and this division, the provisions of this division shall prevail.

(c) Collect, transfer, and dispose of solid waste, and provide solid waste handling services, including, but not limited to, source reduction, recycling, *and* composting activities, pursuant to Division 30 (commencing with Section 40000), and consistent with Section 41821.2 of the Public Resources Code.

(d) Provide fire protection services, rescue services, hazardous material emergency response services, and ambulance services in the same manner as a fire protection district, formed pursuant to the Fire Protection District Law, Part 2.7 (commencing with Section 13800) of Division 12 of the Health and Safety Code.

(e) Acquire, construct, improve, maintain, and operate recreation facilities, including, but not limited to, parks and open space, in the same manner as a recreation and park district formed pursuant to the Recreation and Park District Law, Chapter 4 (commencing with Section 5780) of Division 5 of the Public Resources Code.

(f) Organize, promote, conduct, and advertise programs of community recreation, in the same manner as a recreation and park district formed pursuant to the Recreation and Park District Law, Chapter 4 (commencing with Section 5780) of Division 5 of the Public Resources Code.

1 (g) Acquire, construct, improve, maintain, and operate street  
2 lighting and landscaping on public property, public rights-of-way,  
3 and public easements.

4 (h) Provide for the surveillance, prevention, abatement, and  
5 control of vectors and vectorborne diseases in the same manner  
6 as a mosquito abatement and vector control district formed pursuant  
7 to the Mosquito Abatement and Vector Control District Law,  
8 Chapter 1 (commencing with Section 2000) of Division 3 of the  
9 Health and Safety Code.

10 (i) Provide police protection and law enforcement services by  
11 establishing and operating a police department that employs peace  
12 officers pursuant to Chapter 4.5 (commencing with Section 830)  
13 of Title 3 of Part 2 of the Penal Code.

14 (j) Provide security services, including, but not limited to,  
15 burglar and fire alarm services, to protect lives and property.

16 (k) Provide library services, in the same manner as a library  
17 district formed pursuant to either Chapter 8 (commencing with  
18 Section 19400) or Chapter 9 (commencing with Section 19600)  
19 of Part 11 of the Education Code.

20 (l) Acquire, construct, improve, and maintain streets, roads,  
21 rights-of-way, bridges, culverts, drains, curbs, gutters, sidewalks,  
22 and any incidental works. A district shall not acquire, construct,  
23 improve, or maintain any work owned by another public agency  
24 unless that other public agency gives its written consent.

25 (m) Convert existing overhead electric and communications  
26 facilities, with the consent of the public agency or public utility  
27 that owns the facilities, to underground locations pursuant to  
28 Chapter 28 (commencing with Section 5896.1) of Part 3 of Division  
29 7 of the Streets and Highways Code.

30 (n) Provide emergency medical services pursuant to the  
31 Emergency Medical Services System and the Prehospital  
32 Emergency Medical Care Personnel Act, Division 2.5  
33 (commencing with Section 1797) of the Health and Safety Code.

34 (o) Provide and maintain public airports and landing places for  
35 aerial traffic, in the same manner as an airport district formed  
36 pursuant to the California Airport District Act, Part 2 (commencing  
37 with Section 22001) of Division 9 of the Public Utilities Code.

38 (p) Provide transportation services.

39 (q) Abate graffiti.

1 (r) Plan, design, construct, improve, maintain, and operate flood  
2 protection facilities. A district shall not plan, design, construct,  
3 improve, maintain, or operate flood protection facilities within the  
4 boundaries of another special district that provides those facilities  
5 unless the other special district gives its written consent. A district  
6 shall not plan, design, construct, improve, maintain, or operate  
7 flood protection facilities in unincorporated territory unless the  
8 board of supervisors gives its written consent. A district shall not  
9 plan, design, construct, improve, maintain, or operate flood  
10 protection facilities within a city unless the city council gives its  
11 written consent.

12 (s) Acquire, construct, improve, maintain, and operate  
13 community facilities, including, but not limited to, community  
14 centers, libraries, theaters, museums, cultural facilities, and child  
15 care facilities.

16 (t) Abate weeds and rubbish pursuant to Part 5 (commencing  
17 Section 14875) of the Health and Safety Code. For that purpose,  
18 the board of directors shall be deemed to be a “board of  
19 supervisors” and district employees shall be deemed to be the  
20 “persons” designated by Section 14890 of the Health and Safety  
21 Code.

22 (u) Acquire, construct, improve, maintain, and operate  
23 hydroelectric power generating facilities and transmission lines,  
24 consistent with the district’s water supply and wastewater  
25 operations. The power generated shall be used for district purposes,  
26 or sold to a public utility or another public agency that generates,  
27 uses, or sells electrical power. A district shall not acquire  
28 hydroelectric power generating facilities unless the facilities’ owner  
29 agrees.

30 (v) Acquire, construct, improve, maintain, and operate television  
31 translator facilities.

32 (w) Remove snow from public streets, roads, easements, and  
33 rights-of-way. A district may remove snow from public streets,  
34 roads, easements, and rights-of-way owned by another public  
35 agency, only with the written consent of that other public agency.

36 (x) Provide animal control services pursuant to Section 30501  
37 of the Food and Agricultural Code. Whenever the term “board of  
38 supervisors,” “county,” “county clerk,” or “animal control officer”  
39 is used in Division 14 (commencing with Section 30501) of the  
40 Food and Agricultural Code, those terms shall also be deemed to

1 include the board of directors of a district, a district, the general  
2 manager of the district, or the animal control officer of a district,  
3 respectively. A district shall not provide animal control services  
4 in unincorporated territory unless the county board of supervisors  
5 gives its written consent. A district shall not provide animal control  
6 services within a city unless the city council gives its written  
7 consent.

8 (y) Control, abate, and eradicate pests, in the same manner as  
9 a pest abatement district, formed pursuant to Chapter 8  
10 (commencing with Section 2800) of Division 3 of the Health and  
11 Safety Code. A district's program to control, abate, or eradicate  
12 local pine bark beetle infestations shall be consistent with any  
13 required plan or program approved by the Department of Forestry  
14 and Fire Protection.

15 (z) Construct, maintain, and operate mailboxes on a district's  
16 property or rights-of-way.

17 (aa) Provide mail delivery service under contract to the United  
18 States Postal Service.

19 (ab) Own, operate, improve, and maintain cemeteries and  
20 provide interment services, in the same manner as a public  
21 cemetery district, formed pursuant to the Public Cemetery District  
22 Law, Part 4 (commencing with Section 9000) of Division 8 of the  
23 Health and Safety Code.

24 (ac) Finance the operations of area planning commissions  
25 formed pursuant to Section 65101.

26 (ad) Finance the operations of municipal advisory councils  
27 formed pursuant to Section 31010.

28 (ae) Acquire, own, improve, maintain, and operate land within  
29 or without the district for habitat mitigation or other environmental  
30 protection purposes to mitigate the effects of projects undertaken  
31 by the district.

32 (af) If a private person or entity is unable or unwilling to deploy  
33 broadband service, construct, own, improve, maintain, and operate  
34 broadband facilities and to provide broadband services. For  
35 purposes of this section, broadband has the same meaning as in  
36 subdivision (a) of Section 5830 of the Public Utilities Code. The  
37 district shall first make a reasonable effort to identify a private  
38 person or entity willing to deploy service. The authority granted  
39 by this subdivision shall expire when a private person or entity is  
40 ready, willing, and able to acquire, construct, improve, maintain,

1 and operate broadband facilities and to provide broadband services,  
2 and to sell those services at a comparable cost and quality of service  
3 as provided by the district. At that time, the district shall do one  
4 ~~or both~~ of the following:

5 (1) Diligently transfer its title, ownership, maintenance, control,  
6 and operation of those broadband facilities and services at a fair  
7 market value to that private person or entity.

8 (2) Lease the operation of those broadband facilities at a fair  
9 market value to that private person or entity.

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